

# RIGHT TO WORK LAW ►

Neb. Rev. Stat. §§48-214 to 48-219

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[Current Through 2014 Regular Session]

**STATE OF NEBRASKA**

DAVE HEINEMAN, Governor

**DEPARTMENT OF LABOR**

JOHN H. ALBIN, Acting Commissioner

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### TEXT OF THE LAW

**48-214. Collective bargaining; race or color discrimination prohibited.** It is hereby declared to be the policy of this state that no representative agency of labor, in collective bargaining with employers concerning grievances, labor disputes, wages, rates of pay, hours of employment or other conditions of work, shall, in such collective bargaining, discriminate against any person because of his race or color. The Department of Labor shall be and hereby is charged with the duty of enforcement of this policy in conformity with Article I of the Constitution of Nebraska and section 1 of the Fourteenth Amendment to the Constitution of the United States of America.

**Source:** Laws 1941, c. 96, § 1, p. 406; C.S.Supp., 1941, § 48-801.

**Cross References:**

Actions of employees in collective bargaining with employers, designation of plaintiff, process, and execution of judgment, see sections 25-313 and 25-530.08. Civil rights, see Chapter 20.

**Annotations:**

Enforcement of policy of collective bargaining in labor disputes was a matter of statewide and not local concern. *Midwest Employers Council, Inc. v. City of Omaha*, 177 Neb. 877, 131 N.W.2d 609 (1964).

**48-215. Military supplies; production; distribution; discrimination prohibited.** It shall be unlawful for any person, firm or corporation, engaged to any extent whatsoever in the State of Nebraska in the production, manufacture or distribution of military or naval material, equipment or supplies for the State of Nebraska or the government of the United States, to refuse to employ any person in any capacity, if said person is a citizen and is qualified, on account of the race, color, creed, religion or national origin of said person.

**Source:** Laws 1943, c. 114, § 1, p. 400.

**Annotations:**

This section prohibits racial discrimination by persons producing or distributing military or naval supplies. *Midwest Employers Council, Inc. v. City of Omaha*, 177 Neb. 877, 131 N.W.2d 609 (1964).

**48-216. Military supplies; discrimination; violation; penalty.** Any person, firm or corporation, violating any of the provisions of section 48-215, shall be guilty of a Class III misdemeanor. Each violation of section 48-215 shall be a separate offense.

**Source:** Laws 1943, c. 114, § 2, p. 400; R.S. 1943, § 48-216; Laws 1977, LB 40, § 276.

**48-217. Labor organizations; membership or nonmembership; prohibited acts.** To make operative the provisions of sections 13, 14 and 15 of Article XV of the Constitution of Nebraska, no person shall be denied employment because of membership in or affiliation with, or resignation or expulsion from a labor organization or because of refusal to join, affiliate with, or pay a fee either directly or indirectly to a labor organization; nor shall any individual or corporation or association of any kind enter into any contract, written or oral, to exclude persons from employment because of membership in or nonmembership in a labor organization.

**Source:** Laws 1947, c. 177, § 1, p. 585; Laws 1961, c. 236, § 1, p. 699.

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**Annotations:**

Right to work was a right guaranteed by both state and federal Constitutions. *Hanson v. Union Pacific R.R. Co.*, 160 Neb. 669, 71 N.W.2d 526 (1955).

Provisions of federal Railway Labor Act superseded and were controlling over requirements of this section. *Railway Employees Department, American Federation of Labor v. Hanson*, 351 U.S. 225 (1956).

Public policy that employment not be denied on basis of union membership includes public as well as private employment. *American Federation of State, Co., & Mun. Emp. v. Woodward*, 406 F.2d 137 (8th Cir. 1969).

**48-218. Labor organization, defined.** The term labor organization means any organization of any kind, or any agency or employee representation committee or plan, which exists for the purpose, in whole or in part, of dealing with employers concerning grievances, labor disputes, wages, rates of pay, hours of employment, or conditions of work.

**Source:** Laws 1947, c. 177, § 2, p. 585.

**48-219. Labor organization; violation; penalty.** Any individual, corporation or association that enters into a contract after September 7, 1947, in violation of the provisions of section 48-217, shall be guilty of a Class IV misdemeanor.

**Source:** Laws 1947, c. 177, § 3, p. 585; Laws 1977, LB 40, § 277.